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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/677,401	09/29/2000	K. Jon Kern	014-040001US	3108
33486 7590 04/28/2009 HEIMBECHER & ASSOC., LLC P O BOX 33 HAMEL, MN 55340-0033				
EXAMINER				
NGUYEN, TAN D				
ART UNIT		PAPER NUMBER		
3689				
MAIL DATE		DELIVERY MODE		
04/28/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09677401	9/29/2000	KERN ET AL.	014-040001US

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## EXAMINER

Tan Dean D. Nguyen

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## Commissioner for Patents

The Applicant's Reply Brief filed 02/09/2009 is noted. Applicant's arguments are not persuasive and the case is forward to BPAI.

As for the arguments with respect to the 101 rejection, each of the independent claims, 7, 47, 54, 65 and 71, merely requires the first step (A) to be carried out on a global computer network and the rest of the majority of the claim steps: (B), (C), (D), (E), (F), and (G), do not appear to be tied to any particular machine or apparatus and therefore they are not sufficient to pass the "tie" test. The connection on the first step is considered as insignificant extra-solution activity and will not transform an unpatentable principle into a patentable process.

As for the arguments under the sub-heading "Assertion of "No patentable Weight" on page 5, they are not found to be persuasive. First of all, there is no "new ground of rejection" but just another way for interpretation of the claims, especially the last step which uses languages of "...permitting ..." to selectively repay the loan obligation based upon "...said accumulated loyalty points" (claim 8). The interpretation of the term "permitting" on the bottom paragraph on page 6 of the office action of 12/09/08 is maintained. Moreover, the phrase "to selectively repay the loan obligation based upon ... points" is also considered as "intended use" of the permitted recognized second-party users and may not have patentable weight since there is no positive recitation step or limitation of "selectively repaying the loan obligation....".

/Tan Dean D. Nguyen/  
Primary Examiner, Art Unit 3689